

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

DWAYNE B., a minor, by his  
Next Friend, John Stempfle, et al,  
for themselves and others  
similarly situated,

Plaintiffs,

v.

Hon. Nancy G. Edmunds

No. 06-CV-13548

GRETCHEN WHITMER, in her official  
capacity as Governor of the  
State of Michigan, et al,

Defendants.

\_\_\_\_\_ /

STATUS CONFERENCE and MONITOR'S REPORT  
via Zoom Videoconference  
Detroit, Michigan - Tuesday, November 10, 2020

APPEARANCES:

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On behalf of Plaintiffs

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- - -

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ALSO PRESENT:

Director of MDHHS, Robert Gordon, Senior Deputy Director of Children's Services Agency, JooYeun Chang, Erin McGuinness, Monitors Kevin Ryan, Eileen Crummy

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# **I N D E X**

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1 Detroit, Michigan  
2 Tuesday, November 10, 2020  
3 10:43 a.m.

4 - - -

5

6 LAW CLERK: Court calls the case of Dwayne B.  
7 vs. Whitmer, case number 06-13548.

8 Counsel, state your appearances for the record.

9 MS. DRYSDALE-CROWN: Assistant Attorney General  
10 Cassandra Drysdale-Crown, and I'm joined today with  
11 Assistant Attorney General Neil Giovanatti. I will be the  
12 lead on this, and we represent the state defendants.

13 THE COURT: And with you this morning is Robert  
14 Gordon, who is head of Health and Human Services for the  
15 State of Michigan, correct?

16 MS. DRYSDALE-CROWN: Yes, Director Gordon is  
17 here with me, as well as Director Chang, who is the  
18 executive director for the children's services.

19 THE COURT: Okay. Thank you. Ms. Gretter?

20 MS. GRETTER: Yes. Good morning, Your Honor.  
21 My name is Elizabeth Gretter. I'm an attorney with  
22 Children's Rights, here on behalf of the plaintiffs. With  
23 me today are my colleagues Erin McGuinness, Samantha Bartosz  
24 who unfortunately can't be seen, as well as our team  
25 paralegal, Makena Mugambi.

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1 THE COURT: Thank you, Ms. Gretter.

2 And Mr. Ryan, would you like to introduce  
3 yourself and Mr. Crummy, please?

4 MR. RYAN: Kevin Ryan, monitor for the court in  
5 this matter.

6 MS. CRUMMY: Eileen Crummy, monitor for the  
7 Court as well.

8 THE COURT: Thank you very much. So this is a  
9 report on Period 17, which is the session which covers the  
10 latter part of 2019, am I correct, Mr. Ryan?

11 MR. RYAN: Yes, Your Honor.

12 THE COURT: Okay. Do you want to begin, please,  
13 and give us a summary of the report? Ms. Crummy can  
14 participate as well, and then we can hear from both  
15 plaintiff and defendant.

16 MR. RYAN: Thank you, Your Honor.

17 We're submitting to the United States District  
18 Court for the Eastern District of Michigan the 14<sup>th</sup> report  
19 in the matter of Dwayne B vs. Whitmer. This report covers  
20 the first period of performance by the Michigan Department  
21 of Health and Human Services under Governor Whitmer's  
22 administration, led by DHHS Director Robert Gordon and the  
23 senior deputy director of DHHS' Children's Service Agency,  
24 JooYeun Chang.

25 This report to the Court reflects the efforts of

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1 agency leadership and the status of Michigan's reform  
2 efforts as of December 31<sup>st</sup>, 2019. This is, as you said,  
3 defined as Period 17 under the Michigan Implementation,  
4 Sustainability and Exit Plan, or MISEP for short. This  
5 report includes progress for the second half of 2019, and  
6 predates the onset of COVID 19 in the United States.

7 This is the first monitoring report issued since  
8 the ISEP 12 and ISEP 13 report covering calendar year 2017  
9 due to changes in administration and ongoing negotiations  
10 between the parties. As no report was issued covering the  
11 agency's performance for 2018 and the first half of 2019,  
12 validated performance for these periods is included in  
13 Appendices C and D of the report that we are filing this  
14 morning with the court.

15 Director Gordon and Senior Deputy Director Chang  
16 have been deeply engaged in this work. They lead a strong  
17 senior management team that possesses the talent and the  
18 experience to address longstanding problems in the Michigan  
19 child welfare system. The early evidence of their  
20 turnaround work includes substantial improvements to the  
21 operations of centralized intake thanks principally to Jen  
22 Wrayno and the PCU team, and marked improvements in the  
23 quality of the state's data production, thanks to both the  
24 quality assurance team and the data team.

25 Among the areas where the agency has already

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1 achieved high levels of performance, the agency demonstrated  
2 a strong commitment to worker-child visits during the  
3 period, including children being visited by a caseworker at  
4 their placement location at least once per month during the  
5 child's first two months of placement. The agency also  
6 excelled by ensuring that at least one caseworker-child  
7 visit per month included a private meeting during the  
8 child's first two months of placement in an initial or new  
9 placement.

10 MS. CRUMMY: Good morning, Your Honor.

11 In addition, at the conclusion of period 17, the  
12 monitoring team identified several commitments eligible for  
13 movement based on DHHS' strong performance during the  
14 period. The MISEP allows that once DHHS has satisfied the  
15 designated performance standard for certain commitments at  
16 the end of one reporting period as validated by the  
17 monitors, the commitment is eligible to be moved to Section  
18 5 of the MISEP To Be Maintained.

19 Five commitments meet these criteria. Maximum  
20 Children in a Foster Home, Section 6.7; CPS Investigations  
21 and Screening, PCU, Section 6.12(b); Supervisory Oversight,  
22 Section 6.16; and Support for Transitioning to Adulthood,  
23 Medicaid Access, section 6.36(b). And the monitors  
24 recommend to the Court and to the parties that these  
25 provisions be moved to To Be Maintained.

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1           The MISEP also includes commitments that are  
2     important to children's safety and permanency which still  
3     have not taken hold, and the monitoring team observes, in  
4     particular, these challenges:

5           Oversight. DHHS' contract evaluations of CCIs  
6     and private CPAs providing placements and services to  
7     plaintiffs in numerous instances did not ensure the safety  
8     and wellbeing of the plaintiffs. DHHS developed and  
9     submitted a corrective action plan addressing this area  
10    which is described in our report and which we will monitor  
11    for the Court.

12          Parent-Worker Visitation. Although caseworkers  
13    are expected to visit parents of children with a goal of  
14    reunification at least once in the parents' home during the  
15    first month of placement, the reality is those visits  
16    occurred less than half the time during this period.

17          Child Permanency. The data reflect that 1,758  
18    children, 26.6 percent, exited state custody to permanency  
19    within 12 months of their entry into care. However, to meet  
20    the performance standard of children's exits to permanency  
21    within 12 months of entry to care, DHHS should have achieved  
22    timely permanency for an additional 919 children.

23          Maltreatment in Care. DHHS was not able to  
24    produce accurate maltreatment in care data from MISEP 17 and  
25    must do so in order to understand and improve children's

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1 experience of safety in care. As we said in most other  
2 aspects, however, DHHS' data submissions improved markedly  
3 from past periods.

4 In conclusion, there have been important strides  
5 made by the new management team even as serious gaps and  
6 risk to children's wellbeing and safety remain. Those risks  
7 certainly grew more pronounced in 2020 as COVID-19 struck  
8 Michigan. We have witnessed the focused, thoughtful effort  
9 underway in Michigan to address longstanding issues at the  
10 heart of this litigation, and we look forward to continuing  
11 to validate and report to the Court evidence of the State's  
12 performance to comply.

13 Thank you, Your Honor.

14 THE COURT: Thank you, Ms. Crummy.

15 Ms. Gretter, would you like to go next on behalf  
16 of the plaintiffs?

17 MS. GRETTER: Sure. Thank you. Good morning,  
18 everybody. Elizabeth Gretter from Children's Rights on  
19 behalf of the plaintiffs. We are grateful for everyone's  
20 time this morning, and we are glad to be here placing focus  
21 on Michigan's children and the status of the state's  
22 progress under the MISEP.

23 First, we want to express our gratitude for the  
24 continued effort and diligence of the monitoring team. We  
25 know that this is difficult work, and we are grateful. We

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1 also note the particular pressure that the current  
2 administration, including Director Gordon and Deputy  
3 Director Chang are under during this unprecedented time of  
4 pandemic, and we are encouraged by the focus, the energy and  
5 the transparency that we have seen from this administration.  
6 We are engaging in ongoing dialogue with the state about the  
7 impacts of COVID on the implementation of the MISEP, and  
8 will continue to do so as they do that difficult work.

9           With respect to the progress made during this  
10 period by the state, plaintiffs were pleased to see  
11 improvements in the area of caseloads for many DHHS workers.  
12 We know that right-sized caseloads have an immediate benefit  
13 to kids and to the system as a whole, and I think we've seen  
14 this in the strong worker-child visitation numbers which we  
15 are also very pleased to see. We hope that those  
16 improvements can be maintained, and then also carried over  
17 into the adoption worker units so that the children awaiting  
18 adoption can experience the same benefits as well.

19           We were pleased to see and learn of improvements  
20 in data quality, which we know has been a struggle, and we  
21 want to just say on the record that we have no objection to  
22 any of the commitments that Kevin and Eileen just listed  
23 moving into the To Be Maintained category. That's fine from  
24 our perspective.

25           Now to the challenges. As Your Honor knows, we

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1 now find ourselves 12 years into this endeavor to make  
2 Michigan's foster care system safer for kids, and I cannot  
3 overstate plaintiff's frustration in learning that while  
4 there have been improvements, the state is still struggling  
5 to perform some very basic safety functions and to protect  
6 children from maltreatment while in foster care, and I would  
7 like to touch on just a few of those challenges that are of  
8 particular concern to us, if I may.

9 First, we note the monotoning team's finding  
10 that DHHS failed to meet the MISEP outcome regarding  
11 maltreatment by a rather large margin. DHHS, they reported,  
12 would have needed to prevent 120 instances of maltreatment  
13 to actually meet that standard. We also note, however, as  
14 Kevin said, that due to multiple -- I'm sorry, it may have  
15 been Eileen, that this number couldn't be verified, and to  
16 my recollection this isn't the first time that this number  
17 has not been able to be verified. And Your Honor, this is  
18 just bedrock stuff from plaintiff's perspective. The state  
19 has got to be able to count how many children are being  
20 abused and neglected while in state custody.

21 We know that the state and the monitoring team  
22 are working diligently to get to the bottom of those issues,  
23 and so we will continue to watch there, but plaintiffs are  
24 certainly frustrated, as I think everyone probably is, but  
25 the data issues continue to plague a very basic question for

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1 the system.

2           Second, I just wanted to briefly address the  
3 safety of relative home placements. So as Your Honor knows,  
4 just for context, the MISEP used to require that relative  
5 homes be licensed or get a waiver. After the Sixth  
6 Circuit's decision in D.O. v. Glisson, the revised MISEP  
7 switched focus from licensing those foster homes, to making  
8 sure that they are safe, so requiring DHHS to take certain  
9 steps to ensure that those approved placements are safe.  
10 These steps include visiting the home, criminal background  
11 and registry check, and then doing that home study within 30  
12 days. Simply put, Your Honor, performance in this area is  
13 very troubling to plaintiffs, and we believe it's a real  
14 hole in the safety net. The monitoring team's review found  
15 performance on all of those measures at around 50 percent.

16           There's just one area that scares us in  
17 particular that I want to flag, which is DHHS policy  
18 requires that all household members 12 and up be run through  
19 the Michigan Public Sex Offender Registry, for obvious  
20 reasons, so a new member of a household where a child is  
21 staying needs to be, have that sex offender registry  
22 background check done. The monitoring team reviewed 62  
23 unlicensed relative placements, and found that that critical  
24 safety check was only fully performed in six of those 62  
25 placements, so that's 9 percent. That is unacceptable

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1 performance to plaintiffs, and we believe places kids in  
2 those homes at risk.

3 Finally, DHHS' contract oversight and licensing  
4 unit continues to struggle to safely oversee the network of  
5 private child caring institutions and placing agencies that  
6 care for foster children in Michigan. Particularly  
7 troubling, and as we know with tragic results, is the  
8 state's oversight of the CCIs or the group home facilities.  
9 Just briefly, the monitoring team's review of the state's  
10 oversight of these facilities found multiple instances of  
11 improper restraint, inappropriate sexual conduct between  
12 staff members and youth, street fighting at the facility  
13 between youth, and other unsafe conditions.

14 The report notes instances of improper followup  
15 by DCLW as well as numerous failures to report incidents to  
16 CPS for investigation. We know that a lot of work is being  
17 done in this area right now, Your Honor, but we do struggle  
18 to understand why so many years into this work the  
19 department continues to allow children in these settings to  
20 be placed in harm's way. It concerns us.

21 To be very clear, though, plaintiffs are  
22 confident in the current administration's ability to right  
23 this ship, we are, but we also can't pretend that we don't  
24 stand here holding in our hands a report that tells the  
25 story of a child who lost his life as a direct result of

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1 these failures of oversight.

2 Just briefly, to name and honor him, Cornelius  
3 Frederick, 16-year-old youth, was killed at Lakeside  
4 Academy, a CCI owned by Sequel Youth and Family Services in  
5 April of 2020. Video of the incident shows Cornelius being  
6 improperly restrained by two adult staff members for a  
7 period of 12 minutes. During that time, he was witnessed  
8 struggling for breath and motionless, and he tragically died  
9 two days later. Both the DHHS investigation and the  
10 monitor's report detail a history of repeated violations at  
11 Lakeside, and ineffective oversight by DHHS, including a  
12 shocking 73 investigations into child abuse or neglect at  
13 the facility in the two years prior to Cornelius's death.

14 To date -- and we know we're talking about the  
15 period after this monitoring report, but to date, we know  
16 that DHHS has taken a number of steps to immediately address  
17 the glaring safety concerns laid bare by this tragedy,  
18 including multiple corrective actions with respect to  
19 particular MISEP provisions, with the assistance of the  
20 monitoring team. Plaintiffs will continue to very closely  
21 monitor the state's progress in this area to track the  
22 progress of those corrective action plans, and to determine  
23 whether any further action is needed to ensure that class  
24 members are kept safe.

25 Again, we do appreciate the state's transparency

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1 as they do this very difficult work, and the diligence of  
2 the monitoring team. We do look forward to continuing to  
3 engage with all the parties and Your Honor to work towards a  
4 safer system for Michigan's children.

5 Thank you so much for your time.

6 THE COURT: Thank you, Ms. Gretter. Ms.  
7 Drysdale or Mr. Giovanatti.

8 MS. DRYSDALE-CROWN: Thank you very much, Your  
9 Honor. If the Court permits, I would like to introduce  
10 Director Gordon and Executive Director Ms. Chang to provide  
11 some testimony, as well, regarding this reporting period.

12 THE COURT: That's fine. We will start with  
13 Director Gordon.

14 MR. GORDON: Good morning, Your Honor, and good  
15 morning everyone.

16 THE COURT: Good morning.

17 MR. GORDON: I'm pleased to have the opportunity  
18 to present about the state's progress in this reporting  
19 period, and progress -- as well as progress that has  
20 continued since this reporting period.

21 At the outset, I want to note this reporting  
22 period represents only the first six months of JooYeun  
23 Chang's tenure as the Children's Services Administration's  
24 executive director. Michigan is fortunate to have Director  
25 Chang in this leadership role, and I should add we're

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1 equally fortunate to have a passionate and deeply dedicated  
2 senior staff who have toiled on behalf of Michigan's youth.

3 THE COURT: Let me just interrupt you for a  
4 moment, Mr. Gordon, in saying that my information from  
5 Mr. Ryan and Ms. Crummy confirms what you've just said, that  
6 this team that you have assembled is passionate, hard  
7 working and really devoted to moving this case forward in a  
8 way that no prior team has been, and that's good news for  
9 the children and for everyone in the State of Michigan. So  
10 thank you, and thank you, Ms. Chang.

11 MR. GORDON: Thank you, Judge. We're very  
12 grateful for that.

13 We agree with the court monitor's assessment  
14 that this was a period of modest but important progress. If  
15 you look at the number of performance standards or the share  
16 of performance standards that the state met compared to the  
17 last reporting period where this judgment was made, the  
18 share increased. Was it enough? No. Was it meaningful  
19 improvement? Yes.

20 This has been a period when CSA has focused on  
21 putting in place structural changes that will pay off in  
22 improvements over time. So for example, Director Chang led  
23 the creation of a continuous quality improvement process  
24 throughout the agency. The new team established a child  
25 stack system modeled upon systems that work elsewhere, where

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1 leaders across the agency review local numbers in detail to  
2 identify both gains and needs. I've had the privilege to  
3 sit in on these sessions, and I believe if you did, you  
4 would find them impressively detailed and evidence-based.

5           The last time we were before the Court we  
6 stressed that we would be challenged in trying to drive  
7 performance improvement simultaneously and effectively  
8 across 52 commitments at once. We noted that we would pay  
9 particular attention to safety-related commitments.

10 Although not yet visible in the 2019 reporting period, we  
11 have seen meaningful gains in our work up through the  
12 present.

13           We recognize that there is much more we need to  
14 do to improve the lives of children in foster care and to  
15 meet commitments in the modified ISEP. An area of interest  
16 to the Court and to us has been improving our use of  
17 technology. Since in our last -- my first hearing with you,  
18 there was a report prepared during the last administration  
19 about the terrible problems with the MiSACWIS system, and  
20 those problems continue to drive data challenges we have,  
21 including some of the data challenges that the plaintiffs  
22 are troubled by. We're working as best we possibly can to  
23 replace MiSACWIS. Unfortunately, the work on replacement  
24 was delayed due to budget challenges created by COVID-19.  
25 That was something none of us could predict, and, in a

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1 moment of intense emergency, something we had to accept.  
2 Nonetheless, we released an RFP for the first module of the  
3 new CIWIS (phonetic) system in December 2019, and we are now  
4 days away from rewarding the contract and thus being able to  
5 begin work on the new system. We expect the first module  
6 will be completed by the end of 2021, and that the full  
7 transition from MiSACWIS to CIWIS(ph.) will occur over the  
8 next three to five years.

9 I want to speak to two other issues that have  
10 been raised before turning it over to Director Chang. First  
11 is COVID. COVID forced us to change the way that we work,  
12 and the team responded with courage and creativity. Staff  
13 continue to address urgent child protective needs, even at  
14 personal risk to themselves, and we found ways to stay in  
15 touch with children in need, reaching out by phone to more  
16 than 13,000 families.

17 Next, I want to speak to the tragic death of a  
18 young man, Cornelius Frederick, tragic and unnecessary, at a  
19 Michigan child caring institution on May 1<sup>st</sup>. First, I  
20 want to say, on behalf of Department Director Chang, myself  
21 and our staff, all of us were as horrified as anyone on this  
22 call by what happened in that case, and all of us work with  
23 great passion to try to serve every child in Michigan, and I  
24 will say, with respect to the comments of the plaintiffs, I  
25 hope that that is not lost here.

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1           From the day that we learned of Cornelius's  
2 death, we have asked ourselves what went wrong and what must  
3 we do so that no other young person loses their life the  
4 same way. We immediately suspended the license and  
5 terminated the contract of that facility, we made clear the  
6 state would no longer contract with entities under the same  
7 management company which resulted in changes elsewhere in  
8 the state, we issued an emergency rule to sharply restrict  
9 the use of physical restraints. Already, their use is down  
10 significantly. We have worked with experts from around the  
11 country on a plan to improve conditions in CCIs.

12           These are all individual steps on a long path of  
13 ensuring that young people in residential services are  
14 treated with the same compassion and care that we want for  
15 our own children.

16           So we are on a path, we are making progress, and  
17 I look forward to continuing that progress together with  
18 Director Chang and the whole team at CSA. And with that,  
19 let me turn it over to her.

20           Thank you, Judge.

21           THE COURT: Thank you, Mr. Gordon. Ms. Chang.

22           MS. CHANG: Good morning, Your Honor. My name  
23 is JooYeun Chang, and I appreciate the chance to provide you  
24 with a progress report.

25           I also just want to begin by thanking Kevin and

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1 Eileen and the entire monitoring team for their support and  
2 partnership and encouragement, quite frankly, during some  
3 really tough times.

4 I've learned a great deal in the short time that  
5 I've served as executive director of Michigan's Child  
6 Welfare System. Thank you for acknowledging the amazing  
7 leadership team that CSA has. But I've also had the great  
8 honor to meet extraordinary frontline staff who selflessly  
9 and mostly behind the scenes quietly serve our children and  
10 families, mostly because they believe in their capacity for  
11 healing and strength, and they do so with a personal  
12 conviction and commitment that simply can't be taught in a  
13 training class.

14 I've also met birth parents who have overcome  
15 incredible obstacles to get their children back and then  
16 made it their mission to serve and support other parents  
17 involved in our system, and I've met generous foster parents  
18 and relative caregivers who love the children in their care  
19 as if they were their own yet do all they can to support  
20 family reunification.

21 It is these inspiring stories that helped me  
22 navigate one of the most challenging incidents in my career,  
23 the death of Cornelius Frederick. Cornelius was a  
24 16-year-old boy who was entrusted to our care at age 12, and  
25 who spent the last four years of his life in an institution.

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1 He died at the hands of Lakeside staff who were supposed to  
2 care for and protect him.

3 After this tragedy, DHHS asked national experts  
4 including the Annie E. Casey Foundation, Casey Family  
5 Programs and the Belding(ph.) Burgess Initiative to conduct  
6 a rapid safety assessment of our current system. The  
7 groups' recommendations included ending the use of large  
8 scale institutional care for placement and the elimination  
9 of dangerous seclusion and restraints. They also  
10 recommended that CSA improve our oversight of the safety and  
11 quality of care provided by child caring institutions across  
12 the state. In mid July, Director Gordon issued rules  
13 restricting the use of dangerous restraints, but we know we  
14 can't stop there. Placement in a child caring institution  
15 should be the last resort, and only used when intervention  
16 cannot be delivered in a less restrictive setting like a  
17 family home.

18 Our licensing unit has made significant changes  
19 and will continue to strengthen its ability to monitor  
20 residential providers to ensure safety, and our program  
21 offices will work with the community to ensure that  
22 family-based care is available for all children.

23 I'd like to shift gears and highlight areas of  
24 the modified ISEP where I believe we are making progress and  
25 that demonstrate our commitment to improving critical child

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1 safety outcomes.

2 First, safety for all children in the plaintiff  
3 class who are in the foster care system. As we mentioned at  
4 the last hearing, CSA established the Placement  
5 Collaboration Unit to ensure that there is appropriate  
6 follow-up any time concerns are raised about a child in the  
7 foster care system. We are pleased that the monitor's  
8 report found that the placement collaboration unit  
9 appropriately reviewed and assessed screening decisions on  
10 plaintiff class children over 98 percent of the time.

11 MDHHS has also implemented, as Director Gordon  
12 said, a Michigan-specific data analytics and case review  
13 process that's called ChildStat which we borrowed from other  
14 high performing child welfare agencies. We've conducted  
15 over 51 individual ChildStat sessions, and through this  
16 process we've identified systemic practice and quality  
17 assurance opportunities to improve safety for children in  
18 care. While MMT identified important data quality issues  
19 that we are working to address, we believe our MIC rates  
20 have dropped and improvements will show in the data in the  
21 next reporting period.

22 And then finally, safety with relatives. We  
23 believe that children do best when they are placed with  
24 family members who they know and trust, and it's our  
25 responsibility to ensure that those placements are safe and

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1 that relatives have access to the services and support they  
2 need to meet the child's needs.

3 In the six-month period since the modified ISEP,  
4 the state has made modest improvements to identify and  
5 address safety concerns before we place a child in a  
6 family's care, and we are committed to working with our  
7 local offices and our private agency partners to improve the  
8 resolution and documentation of all safety issues, both at  
9 the time a child is placed, and to ensure that annual safety  
10 checks are completed in a timely manner.

11 I also want to talk about our efforts to ensure  
12 that investigations are processed in a timely manner. Soon  
13 after I joined the department in May of 2019, it came to our  
14 attention that there was a backlog of over 1,300 CPS  
15 investigations that had not been submitted timely by the  
16 worker to their supervisor. We took immediate action by  
17 sending central office staff into the field, we reviewed  
18 policy to eliminate those that were redundant or outdated,  
19 and we held weekly leadership calls with all counties with  
20 more than five overdue investigations to problem solve with  
21 them in real time. We were able to eliminate that backlog  
22 within four months, and have consistently had less than two  
23 percent of our investigations past due for submission for  
24 supervisory review.

25 And then finally, I'd like to quickly share with

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1 you our efforts to make system-level changes that will help  
2 us prevent maltreatment in the first instance, and keep  
3 plaintiff class children safe.

4 As Director Gordon noted earlier, the CSA  
5 leadership team has focused the last year not only on  
6 achieving the improvements in the modified ISEP, but really  
7 have invested in a system-level transformation that we  
8 believe is necessary to create sustained improvements not  
9 only for plaintiff class children but all Michigan's  
10 children who are at risk of abuse and neglect and come to  
11 our attention.

12 We are working to move our child welfare system  
13 upstream, investing in early intervention activities, and  
14 our goal is to ensure that the first call to the hotline is  
15 the last. Far too many of our families encounter our system  
16 multiple times because our system has been designed to  
17 intervene after crisis occurs rather than at the first  
18 warning signs of family distress.

19 We partnered with Chapin Hall at University of  
20 Chicago to understand who is at risk of entering foster care  
21 and what drives them into our system. Our goal was to use  
22 this data to target populations and create prevention  
23 interventions in the fall of 2021 as part of our  
24 implementation of the Family First Prevention Services Act.  
25 However, the precipitous drop in calls to our hotline during

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1 the start of the pandemic required us to push up our  
2 timeline and use this information to serve families who we  
3 knew were at risk but were simply invisible to us.

4 On March 10 of this year, Governor Whitmer  
5 issued an executive order requiring residents of Michigan to  
6 stay at home to reduce the spread of COVID. Almost  
7 overnight, we saw a 50 percent drop in the calls to the  
8 hotline. We immediately trained over 500 child welfare  
9 staff to contact at-risk families, and through this outreach  
10 effort, we contacted over 8,200 families and provided  
11 service referrals, support and information to address their  
12 needs. This activity was repeated again at the end of this  
13 summer, resulting in an additional 5,300 family contacts.

14 But we know there is much more to do, and we  
15 will persist in our efforts to transform our system until we  
16 are able to address safety needs before family problems  
17 become crises, and we will invest in evidence-informed  
18 programs to support the children who need the temporary  
19 protection that foster care provides.

20 Thank you so much.

21 THE COURT: Thank you, Ms. Chang.

22 Well, this has been a time that -- the last half  
23 of 2019 reflects a time of real progress, and kind of the  
24 underlining of real deficits that still need to be  
25 addressed.

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1                   When I met with the mediators before this  
2                   hearing I had a couple of questions for them, and I'll relay  
3                   their answer. My main question was, why are we still seeing  
4                   these deficits in the reporting and correction of  
5                   maltreatment in care and child permanency, oversight  
6                   generally? What's the cause of the -- not what's the cause  
7                   of the maltreatment, what's the cause of our inability to  
8                   get a handle on it? And they said that's the \$64,000  
9                   question. And it's a question that I think Director Gordon,  
10                  Deputy Director Chang know very well and are very focused  
11                  on, and I'm hoping that in this next period we begin to  
12                  address that in a, not in a more meaningful way because I  
13                  think it's been addressed in a meaningful way, but in a more  
14                  productive way so that we can get those numbers closer to  
15                  where we want them to be.

16                  Overall, I understand the plaintiff's  
17                  frustration. You don't want to see one child who is denied  
18                  placement and permanency, you don't want to see one child  
19                  injured or traumatized, you certainly don't want to see a  
20                  child die, and that had to have been terribly traumatic for  
21                  everyone involved in that incident, and in the monitoring of  
22                  the foster care system and in the progress that's been made.

23                  So I commend the state, Deputy Director Chang,  
24                  Director Gordon. I share the frustration of the plaintiffs.  
25                  It's been 12 years that I've been working on this, I guess

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1 12 years for Mr. Ryan and Ms. Crummy. Ms. Bartosz, too, has  
2 been in here for about 12 years. And I'm going to retire  
3 pretty soon, so I'd like, before I retire, to have this  
4 wrapped up, if possible. I'm not pushing to get it done  
5 more quickly, I'm just saying let's continue on the great  
6 progress that's being made, always with an eye to knowing we  
7 can do better, and must, for the benefit of the children in  
8 the system.

9 Unless you have questions for me or for each  
10 other, I think we can adjourn.

11 MS. GRETTER: Nothing from plaintiffs, Your  
12 Honor.

13 MS. DRYSDALE-CROWN: Thank you, Your Honor.

14 THE COURT: Okay. Thank you all.

15 Do we have any sense of when the next reporting  
16 will be, Mr. Ryan?

17 MR. RYAN: Eileen, will that be springtime?  
18 You're on mute, Eileen. The brains of the operation cannot  
19 be on mute.

20 MS. CRUMMY: We hope we'll be able to issue the  
21 next report in the spring.

22 THE COURT: I look forward to seeing you then.  
23 Maybe we can see each other in person.

24 MR. RYAN: Yes.

25 MS. CRUMMY: That would be wonderful.

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THE COURT: Thank you all again.

(Proceedings concluded at 11:20 a.m.)

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**C E R T I F I C A T I O N**

I, Suzanne Jacques, Official Court Reporter for the United States District Court, Eastern District of Michigan, Southern Division, hereby certify that the foregoing is a correct transcript of the proceedings in the above-entitled cause on the date set forth.

s/Suzanne Jacques  
Suzanne Jacques, RPR, RMR, CRR, FCRR  
Official Court Reporter  
Eastern District of Michigan

12/7/2020  
Date

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